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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

**IN RE:**

**JIMMIE DON MILLER, and  
SHIRLEY GAIL MILLER  
DEBTORS**

§  
§  
§ **CASE NO. 09-20192-RLJ-13**  
§ **HEARING DATE: 03/22/2010**  
§ **HEARING TIME: 11:00 AM**

**MOTION TO APPROVE COMPROMISE  
AND SETTLEMENT AGREEMENT  
AND FOR ORDER AUTHORIZING DISTRIBUTION OF FUNDS**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW DEBTORS, JIMMIE DON MILLER and SHIRLEY GAIL MILLER requesting that the Court approve a compromise and settlement reached by the Debtors and approve a distribution of settlement funds. In support of said motion, the Debtors would show as follows:

1. The Debtors filed for Chapter 13 relief on March 31, 2009.
2. Walter O'Cheskey has been appointed Trustee.
3. At the time of filing, the Debtors listed as an asset of their estate a cause of action against Northwest Texas Healthcare System Inc. ("Defendant"). Prior to filing for bankruptcy, the Debtors had hired the Young Law Firm to represent them in litigation related to this cause of action. At the time of filing, the asset was listed as contingent and unliquidated. This asset was not exempted.
4. On May 29, 2009 the Debtors filed a "Motion to Employ Counsel Nunc Pro Tunc" to allow the Young Law firm to represent the Debtors and the estate. No objections were filed.
5. On June 5, 2009 the Court entered an order approving the employment of counsel.
6. It became necessary for the Young Law Firm to file a lawsuit against the Defendants in the United States District Court for the Northern District of Texas (Cause NO. 2-09-CV-00070-J).
7. The parties have reached a confidential settlement on this matter and now seek the approval of this settlement by the Bankruptcy Court under Rule 9019. Furthermore, the Debtors seek approval of the compensation of Debtors' counsel under the contingency fee agreement set forth and previously approved.

8. While the cause of action and settlement funds are a non-exempt asset of the estate under 11 U.S.C. §§541 and 1306, the Debtors' confirmed Chapter 13 plan proposes to pay to their unsecured, priority, and administrative claims an amount that exceeds the amount of the proposed settlement funds to be received by the Debtors, less the contingency fees and costs payable to the Young Law Firm. The Debtors plan still fully complies with 11 U.S.C. §1325(a)(4). The Debtors should therefore be allowed to obtain possession of funds as provided for by 11 U.S.C. §1306(b).

WHEREFORE, PREMISES CONSIDERED, Debtors pray that the Court grant this motion and approve the compromise and settlement agreement reached by the Debtors, approve the distribution of funds to the Young Law Firm as compensation for employment, approve the distribution of the remaining funds to the Debtors, and for such other relief at law or equity as may be just and proper.

DATE: February 1, 2010.

By: 

Troy A. Blackwell; SBN 00793348  
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**NOTICE**

**NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 624 S. POLK, AMARILLO, TEXAS 79110 BEFORE TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE HEREOF.**

**ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY AND THE TRUSTEE PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.**

**IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.**

**CERTIFICATE OF SERVICE**

The undersigned individual hereby certifies that on February 1, 2010, a true and correct copy of the forgoing "MOTION TO APPROVE COMPROMISE AND SETTLEMENT AGREEMENT AND FOR ORDER AUTHORIZING DISTRIBUTION OF FUNDS" was served on the following parties in interest and the attached matrix:

**CHAPTER 13 TRUSTEE**

Walter O'Cheskey  
6308 Iola Ave.  
Lubbock, Texas 79424

**U.S. TRUSTEE**


William Neary  
1100 Commerce  
Dallas, Texas 75242

**DEBTORS**

Jimmy and Shirley Miller  
5802 Bonham  
Amarillo, Texas 79118

**COUNSEL**

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\_\_\_\_\_  
Troy A. Blackwell

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Norwell, MA 02061

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Newport News, VA 23606-0610

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